

SUBSTITUTE FOR
HOUSE BILL NO. 5277

A bill to amend 1974 PA 163, entitled
"L.E.I.N. policy council act of 1974,"
by amending section 4 (MCL 28.214), as amended by 2000 PA 320.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) The council shall do all of the following:

2 (a) Establish policy and promulgate rules ~~regarding the~~
3 ~~operational procedures to be followed by agencies using~~ **GOVERNING**
4 **ACCESS, USE, AND DISCLOSURE OF INFORMATION IN CRIMINAL JUSTICE**
5 **INFORMATION SYSTEMS, INCLUDING** the law enforcement information
6 network, **THE AUTOMATED FINGERPRINT INFORMATION SYSTEM, AND OTHER**
7 **INFORMATION SYSTEMS RELATED TO CRIMINAL JUSTICE OR LAW ENFORCEMENT.**

8 The policy and rules shall do all of the following:

9 (i) **ENSURE ACCESS TO INFORMATION OBTAINED BY A FEDERAL, STATE,**
10 **OR LOCAL GOVERNMENTAL AGENCY TO ADMINISTER CRIMINAL JUSTICE OR**

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1 ENFORCE ANY LAW.

2 (ii) ~~(i)~~ Ensure access to ~~locator~~ information ~~obtained~~
3 ~~through~~ PROVIDED BY the law enforcement information network ~~by~~
4 ~~state and federal agencies and the friend of the court for~~ OR THE
5 AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM BY A GOVERNMENTAL
6 AGENCY ENGAGED IN THE enforcement of child support ~~programs as~~
7 ~~provided under state and federal law~~ LAWS, CHILD PROTECTION LAWS,
8 OR VULNERABLE ADULT PROTECTION LAWS.

9 ~~—— (ii) Ensure access to information of an individual being~~
10 ~~investigated by a state or county employee who is engaged in the~~
11 ~~enforcement of the child protection laws or rules of this state.~~

12 (iii) Authorize a fire chief of an organized fire department or
13 his or her designee to request and receive information obtained
14 through the law enforcement information network by a law
15 enforcement agency for the following purposes:

16 (A) A preemployment criminal convictions history.

17 (B) A preemployment driving record.

18 (C) Vehicle registration information for vehicles involved in
19 a fire or hazardous materials incident.

20 (iv) Authorize a public or private school superintendent,
21 principal, or assistant principal to receive vehicle registration
22 information, of a vehicle within 1,000 feet of school property,
23 obtained through the law enforcement information network by a law
24 enforcement agency.

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2 (v)] ESTABLISH FEES FOR ACCESS, USE, OR DISSEMINATION OF
3 INFORMATION FROM CRIMINAL JUSTICE INFORMATION SYSTEMS.

4 (b) Review applications for ~~network terminals~~ C.J.I.S.
5 ACCESS and approve or disapprove the applications and the sites.
6 ~~for terminal installations.~~ If an application is disapproved, the
7 applicant shall be notified in writing of the reasons for
8 disapproval.

9 (c) Establish minimum standards for ~~terminal sites~~ EQUIPMENT
10 AND SOFTWARE and ITS installation.

11 (D) ADVISE THE GOVERNOR ON ISSUES CONCERNING THE CRIMINAL
12 JUSTICE INFORMATION SYSTEMS.

13 (2) A PERSON HAVING DIRECT ACCESS TO NONPUBLIC INFORMATION IN
14 THE INFORMATION SYSTEMS GOVERNED BY THIS ACT SHALL SUBMIT A SET OF
15 FINGERPRINTS FOR COMPARISON WITH STATE AND FEDERAL CRIMINAL HISTORY
16 RECORDS TO BE APPROVED FOR ACCESS PURSUANT TO THE C.J.I.S. SECURITY
17 POLICY. A REPORT OF THE COMPARISON SHALL BE PROVIDED TO THAT
18 PERSON'S EMPLOYER.

19 (3) ~~-(2)-~~ A person shall not ACCESS, USE, OR disclose
20 NONPUBLIC information ~~from the law enforcement information network~~
21 ~~to a private entity for any purpose, including, but not limited to,~~
22 ~~the enforcement of child support programs~~ GOVERNED UNDER THIS ACT
23 FOR PERSONAL USE OR GAIN.

24 (4) THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE, A PROSECUTING
25 ATTORNEY, OR THE COURT, IN A CRIMINAL CASE, MAY DISCLOSE TO THE
26 DEFENDANT OR THE DEFENDANT'S ATTORNEY OF RECORD INFORMATION
27 PERTAINING TO THAT DEFENDANT THAT WAS OBTAINED FROM THE LAW

1 **ENFORCEMENT INFORMATION SYSTEM.**

2 (5) ~~—(3)—~~ A person shall not disclose information ~~—from the~~
3 ~~law enforcement information network—~~ **GOVERNED UNDER THIS ACT** in a
4 manner that is not authorized by law or rule.

5 (6) ~~—(4)—~~ A person who **INTENTIONALLY** violates subsection ~~—(2)—~~
6 ~~or~~ (3) **OR (5)** is **GUILTY OF A CRIME AS FOLLOWS:**

7 (a) For a first offense, **THE PERSON IS** guilty of a misdemeanor
8 punishable by imprisonment for not more than ~~—90—~~ **93** days or a fine
9 of not more than \$500.00, or both.

10 (b) For a second or subsequent offense, **THE PERSON IS** guilty
11 of a felony punishable by imprisonment for not more than 4 years or
12 a fine of not more than \$2,000.00, or both.

13 Enacting section 1. This amendatory act takes effect February
14 1, 2006.